

Serial No.: 09/880,723  
Docket No.: 70655.7800

### REMARKS

Applicants reply to the Office Action dated January 10, 2006, within the shortened three month statutory period for reply. In the Reply to the Restriction Requirement dated October 24, 2005, Applicants elected Group I, Species N consisting of Claims 1, 2, 4-5, 10-12, 22-24, 27 and 48, for prosecution in this application. However, in the Office Action Summary, the Examiner inadvertently states that Claims 1-8, 17-27, 40, and 43-46 were pending in the application and the Examiner rejects claims 1-8, 17-27, 40, and 43-46. **Applicants respectfully request that the Examiner clarify the correct pending claims and rejections.**

Support for the current amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 1, 3, 22-23, 25-36, 40, and 45-46 under 35 U.S.C. § 103(e) as being anticipated by Musgrove et al., U.S. Patent No. 6,725,222 ("Musgrove"). Applicants respectfully traverse the rejection of pending claims 1, 22-23, and 27 (the remaining rejected claims were previously cancelled).

Musgrove discloses a method for storing product information from a plurality of merchants within a centralized shopping server, providing product information from multiple merchants to users, and consummating order transactions relating to one or more user selected products. Musgrove further discloses known methods for collecting product information from merchant servers using automated web crawlers and bots. Web crawlers and bots are known to those of ordinary skill and are disclosed by Musgrove to enable the invention by providing a means for collecting product information from merchant web sites. Musgrove is limited to searching and displaying product data obtained from a plurality of merchant web sites and facilitating purchase transactions.

Musgrove discloses that, when a shopper selects products from a plurality of vendors for purchase, the user is presented with a pre-filled purchase form. The form is filled from information which is maintained in a database. The user is given the opportunity to make changes to information in the form before submitting it to a shopping server. The shopping server then uses the form information to fill in purchase forms on each merchant server. While Musgrove generally discloses that form information relating to a shopper may include a credit card number, Musgrove fails to explain how a purchase is consummated if the merchant server is not configured to accept the shopper's payment method. For example, many merchants accept payment through transaction

Serial No.: 09/880,723  
Docket No.: 70655.7800

instruments such as Visa, MasterCard, and American Express. However, far fewer merchants accept payment through other credit instruments such as Discover, Diners Club, and JCB.

The shopping server of Musgrove cannot identify a common accepted payment method among a plurality of merchants. For example, a shopper, having only American Express and Discover credit cards and a checking account, may select to purchase products from three different merchants. Merchant A accepts Visa, MasterCard, Discover, and online checks. Merchant B accepts American Express, Visa, MasterCard, Discover, and online checks. Merchant C accepts American Express, Visa, MasterCard, Diners Club and online checks. However, since Merchant A is not configured to accept an American Express charge card, and Merchant C is not configured to accept a Discover credit card, the purchase could not be consummated through the use of either the Shopper's American Express or Discover transaction cards. The Musgrove system does not include the logic required to determine that the purchase can only be consummated through an online check. As such, Musgrove does not disclose or suggest at least "identifying a common accepted payment method from said plurality of merchants, wherein said common accepted payment method is displayed within said webpage," as recited by amended independent claim 1.

Claims 2, 4-5, 10-12, 22-24, 27 and 48 variously depend from independent claim 1; therefore, Applicants assert that dependent claims 2, 4-5, 10-12, 22-24, 27 and 48 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

In regard to claims 4 and 5, the Examiner asserts that, "the step of requesting individual online merchants to release information about their individual online shoppers is a serious privacy issue and not one that merchants will knowingly violate by revealing information on shoppers" (page 8, paragraph 1). Applicants respectfully disagree and provide the following explanation as requested by the Examiner.

Merchants and financial institutions routinely release personal account information including, for example, name, address, account balances, types of accounts, and payment history. Personal information may be released for various reasons as long as the terms for the release of information are stated within a Privacy Statement. Generally, a company may release personal information to affiliates without allowing the consumer to "opt-out." Many companies also include provisions within their Privacy Statement that enable them to provide personal information to nonaffiliated third parties; however, the consumer must be given an option to "opt-out." Applicants request Examiner to consider Exhibit A, which is enclosed herewith.

Serial No.: 09/880,723  
Docket No.: 70655.7800

Exhibit A is a printout of <http://www.citizenssouth.com/privacy.asp>, printed on March 14, 2006. On page 2, under the heading of "The Information We Collect," the privacy policy lists six different types of information that may be collected, including transaction information occurring with Citizens South Bank, their affiliates, other parties, and consumer reporting agencies. On page 3, under the heading of "Your Information and Other Parties", the privacy policy lists types of information that may be released to any party not previously qualified as an "affiliate." This information includes name, address, social security number, assets, income, account balances, account activity, types of accounts, credit card usage, payment history, and deposit history.

The Examiner rejects claims 2 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Bruno et al., U.S. Patent No. 6,320,952 ("Bruno"). Applicants respectfully traverse this rejection.

Bruno discloses an improved voice and data line system for routing toll-free calls to other destinations. Specifically, Bruno is directed toward reducing the costs that subscribers to toll-free services incur when a call is transferred from a first destination to another. For example, when a consumer calls a toll-free number, she may be provided a menu of options to select from. Based on the selection, the call may be routed to another toll-free line. However, while the caller is on the second line, the first toll-free line remains active. Thus, the subscriber must pay for the use of the line, even though the line is not in use by the consumer. Bruno discloses a complex switching system to eliminate this problem; however, Bruno is not concerned with identifying a common accepted payment method. As such, Bruno does not disclose or suggest at least "identifying a common accepted payment method from said plurality of merchants, wherein said common accepted payment method is displayed within said webpage," as recited by amended independent claim 1 from which claims 2 and 24 depend. Moreover, Applicants assert that dependent claims 2 and 24 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claims 4-6, 17-21, 27 and 43-44 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove in view of Fergerson et al., U.S. Patent No. 5,966,697 ("Fergerson"). Applicants respectfully traverse the rejection of pending claims 4 and 5 (the remaining rejected claims 6, 17-21, and 43-44 were previously canceled).

Fergerson generally discloses an online shopping system whereby a shopper can shop from multiple vendors. Specifically, the Fergerson system enables a shopper to navigate to a web site of a first merchant, browse products, and select a product for purchase. The shopper may then opt to "check-out", or continue to a second merchant. The shopper can select products from a plurality of

Serial No.: 09/880,723  
Docket No.: 70655.7800

merchants before selecting a "check-out" link. The user is provided with an order form to complete and submit to a central server. The central server then uses the form information to consummate the purchases from the plurality of merchant web sites. The Fergerson form includes credit card information which is used to facilitate the purchase transaction; however, Ferguson does not include logic for identifying a common accepted payment method among the plurality of merchants. As such, neither Musgrove, Fergerson, nor any combination thereof, disclose or suggest at least "identifying a common accepted payment method from said plurality of merchants, wherein said common accepted payment method is displayed within said webpage," as recited by amended independent claim 1 from which claims 4 and 5 variously depend. Moreover, Applicants assert that dependent claims 4 and 5 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner next rejects claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove in view of alexa.com screen captures via the WayBackMachine (archive.org) and dated February 29, 2000 ("Alexa"). Applicants note that claims 7 and 8 were previously canceled, so this rejection is now moot.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees. Attached is a Petition for Extension of Time Under 37 CFR 1.136(a).

Respectfully submitted,

  
Howard Sobelman  
Reg. No. 39,038

Dated: May 10, 2006

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6228  
Fax: 602-382-6070  
Email: hsobelman@swlaw.com

# Privacy Policy

<a href="#">Home</a>	<a href="#">About us</a>	<a href="#">Bank Locations</a>	<a href="#">Notice Of Your FINANCIAL PRIVACY RIGHTS</a>
<a href="#">Bank History</a>			
<a href="#">Board of Directors</a>			
<a href="#">Check Reorder</a>			
<a href="#">Commercial Services</a>			
<a href="#">Credit Cards</a>			
<a href="#">Deposit Rates</a>	<ul style="list-style-type: none"> <li>• Our consumer customers who have a continuing relationship by purchasing or holding financial products or services such as a(n):           <ul style="list-style-type: none"> <li>○ Deposit account</li> <li>○ Loan account</li> <li>○ Safe deposit box</li> <li>○ Financial, investment, or economic advisory services</li> <li>○ Mortgage brokerage services</li> </ul> </li> </ul>		
<a href="#">Email Sign Up</a>			
<a href="#">FATs</a>			
<a href="#">Home Equity Line</a>			
<a href="#">Investment Services</a>			
<a href="#">Investor Information</a>			
<a href="#">Meet Your Bankers</a>			
<a href="#">Portuguese Services</a>			
<a href="#">Personal Services</a>			
<a href="#">Privacy</a>			

We, our, and us, when used in this notice, mean Citizens South Bank, Citizens South Financial Services, Inc., Citizens South Investment Services, and Citizens South Banking Corporation. This is our privacy notice for our customers. When we use the words "you" and "your" we mean the following types of customers:

- Our consumer customers who have a continuing relationship by purchasing or holding financial products or services such as a(n):
  - Deposit account
  - Loan account
  - Safe deposit box
  - Financial, investment, or economic advisory services
  - Mortgage brokerage services

We will tell you the sources of the information we collect about you. We will tell you what measures we take to secure that information.

We will tell you what information we share about you with other entities. We will explain what your rights are, and how you can exercise them. If you share an account relationship with someone else, such as a joint account holder or co-borrower, we suggest that you share this information with such persons to ensure that each of you is aware of our policy and your options.

We first define some terms.

- **Nonpublic personal information** means information about you that we collect in connection with providing a financial product or service to you. Nonpublic personal information does not include information that is available from public sources, such as telephone directories or government records. Hereafter, we will use the term "information" to mean non public personal information as defined in this section.
- An **affiliate** is a company we own or control, a company that owns or controls us, or a company that is owned or controlled by the same company that owns or controls us. Ownership does not mean complete ownership, but means owning enough to have control.

- A **nonaffiliated third party** is a person we do not employ or a company that is not an affiliate of ours. This is also known as nonaffiliated third party, or simply, an "other party."
- **Opt out** means a choice you can make to prevent certain sharing of information. We will explain how you can exercise this choice.

### THE INFORMATION WE COLLECT

We collect information about you from the following sources:

- Information you give us on applications or other forms
- Information about your transactions with us
- Information about your transactions with our affiliates
- Information about your transactions with other parties
- Information from a consumer reporting agency
- Information we receive through our Customer Identification Program

### THE CONFIDENTIALITY, SECURITY, AND INTEGRITY OF YOUR INFORMATION

We restrict access to information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards to protect this information.

### YOUR INFORMATION AND OUR AFFILIATES

We may disclose information about you to our affiliates. Here are the kinds of information and the source of that information:

- Transaction and experience information from our account records:
  - Information about your transactions and experience with us, such as:
    - Name
    - Address
    - Account Balance
    - Types of accounts
    - Parties to the transaction
    - Payment history

Federal law allows us to disclose the information listed above with our affiliates. You do not have a right to opt out of the disclosure of this information.

- Other information not taken from transactions and experience:
  - Information you give us on an application or other forms, such as:
    - Social Security Number
    - Assets
    - Income
  - Information we receive from a credit reporting agency, such as:
    - Creditworthiness
    - Credit history

You may opt out of the disclosure of the information listed above.

#### Types Of Affiliates

- We may disclose information about you to the following types of affiliates:
  - Financial service providers, such as:
    - Mortgage bankers
    - Securities broker-dealers
    - Insurance agents

#### Reasons For Disclosure

We may disclose information about you to our affiliates to provide you with information about additional products and services.

#### YOUR INFORMATION AND OTHER PARTIES

In addition to our policy with respect to affiliates, we may disclose information to other parties. Here are the kinds of information we disclose to these other parties:

- Information you give us on an application or other forms, such as:
  - Name
  - Address
  - Social Security Number
  - Assets
  - Income
- Information about your transactions with us, such as:
  - Account balances
  - Account activity
  - Types of Accounts
  - Parties to the transaction
  - Credit Card usage
  - Payment history

- Information we receive from a credit reporting agency, such as:
  - Deposit history
  - Creditworthiness
  - Credit history

You may opt out of the disclosure of the information listed above.

#### Types of Other Parties

We may disclose information about you to the following types of other parties:

- Financial service providers, such as:
  - Mortgage bankers
  - Securities broker-dealers
  - Insurance agents

We may also disclose information about you to other parties as permitted by law.

#### Reasons for Disclosing

We may disclose information about you to other parties to provide you with information about additional products and services.

#### INFORMATION ABOUT FORMER CUSTOMERS

We do not disclose information about former customers, except as permitted by law.

#### AUTHORIZED SHARING - OUTSIDE MARKETING SERVICES

We may disclose the following information to companies that perform marketing services on our behalf:

- Information you give us on an application or other forms, such as:
  - Name
  - Address
  - Social Security Number
  - Assets
  - Income
- Information about your transactions with us, such as:
  - Account balances

- Account activity
  - Types of accounts
  - Credit card usage
  - Payment history
  - Deposit history
- Information we receive from a credit reporting agency, such as:
    - Creditworthiness
    - Credit history

We disclose the information listed above with companies that perform marketing services on our behalf. You do not have a right to opt out of the disclosure of this information. We may also disclose information about you to other outside marketing services as permitted by law.

#### Types of Businesses

Here are the types of businesses with whom we may disclose information for outside marketing purposes:

- Service providers that perform marketing services for us, such as:
  - Telemarketing companies
  - Direct sales companies

#### Reasons For Disclosing

We may disclose information about you to companies that perform marketing services on our behalf to provide you with information about additional products and services.

#### AUTHORIZED SHARING - JOINT MARKETING

We may disclose the following information to other financial institutions with whom we have joint marketing agreements:

- Information you give us on an application or other forms, such as:
  - Name
  - Address
  - Social Security Number
  - Assets
  - Income
- Information about your transactions with us, such as:
  - Account balances
  - Account activity

- Types of Accounts
  - Parties to the transaction
  - Credit Card Usage
  - Payment history
  - Deposit history
- Information we receive from a credit reporting agency, such as:
  - Creditworthiness
  - Credit history

We disclose the information listed above with other financial institutions with whom we have joint marketing agreements. You do not have a right to opt out of the disclosure of this information.

#### **Types of Businesses**

We may disclose information pursuant to joint marketing agreements to the following types of businesses:

- Financial service providers, such as:
  - Mortgage bankers
  - Securities broker-dealers
  - Insurance agents

#### **Reasons For Disclosing**

We may disclose information about you to other financial institutions with whom we have joint marketing agreements to provide you with information about additional products and services

#### **YOU HAVE THE RIGHT TO CHOOSE**

In this notice, we have explained our policy about the disclosure of certain information.

#### **Affiliates**

We have explained the kinds of information we may disclose to our affiliates. We have also explained the kinds of affiliates with whom we may disclose the information. If you prefer that we do not disclose information to our affiliates you may opt out of those disclosures, that is, you may direct us not to make those disclosures (other than the disclosures permitted by law).

#### **Other Parties**

We have explained the kinds of information we may disclose to other parties. We have also explained the kinds of other parties with whom we may disclose the information. If you prefer that we do not disclose information to these other parties, you may opt out of those disclosures, that is, you may direct us not to make those disclosures (other than the disclosures permitted by law).

Your decision to block the disclosure of your information will apply to information collected from all products and services you receive from us. Remember, though, that your opt out will not apply to information we share that is related to your actual transaction and experience with one of us, which we make available to our affiliates.

If you have obtained one or more products or services jointly, each owner or purchaser has a separate right to opt out. If one of you chooses to opt out of the disclosure of your information and any other does not, only information regarding the other parties who do not opt out will be disclosed. However, each joint owner or purchaser may opt out of the sharing of information collected in conjunction with the product or service on behalf of all other joint parties.

If you previously sent us an opt out, then we will continue to apply your instruction to the information you asked us not to share. You do not need to return another opt out form.

If you wish to opt out of the disclosure of your information, you may do so clicking here, filling out the form and mailing it to:

Citizens South Bank  
Consumer Privacy Department  
P.O. Box 2249  
Gastonia, North Carolina 28053-2249

E-mail is not encrypted, therefore do not include any confidential information in your e-mails to Citizens South Bank.

